

Senate Study Bill 1273 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
WAYS AND MEANS BILL BY
CHAIRPERSON BOLKCOM)

A BILL FOR

1 An Act relating to certain fees collected by the county
2 sheriff.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 331.655, subsection 1, paragraphs a, b,
2 c, e, f, g, h, k, l, and n, Code 2015, are amended to read as
3 follows:

4 a. For serving a notice and returning it, for the first
5 person served, ~~fifteen~~ twenty-five dollars, and each additional
6 person, ~~fifteen~~ twenty-five dollars except the fee for serving
7 additional persons in the same household shall be ~~ten~~ fifteen
8 dollars for each additional service, or if the service of
9 notice cannot be made or several attempts are necessary, the
10 repayment of all necessary expenses actually incurred by the
11 sheriff while attempting in good faith to serve the notice.

12 b. For each warrant served, ~~twenty~~ twenty-five dollars,
13 and the repayment of necessary expenses incurred in executing
14 the warrant, as sworn to by the sheriff, or if service of the
15 warrant cannot be made, the repayment of all necessary expenses
16 actually incurred by the sheriff while attempting in good faith
17 to serve the warrant.

18 c. For serving and returning a subpoena, for each person
19 served, ~~twenty~~ thirty dollars, and the necessary expenses
20 incurred while serving subpoenas in criminal cases or cases
21 relating to hospitalization of persons with mental illness.

22 e. For summoning a jury to assess the damages to the owners
23 of lands taken for works of internal improvement, one hundred
24 dollars, and attending them, one hundred dollars per day, and
25 necessary expenses incurred. This subsection does not allow
26 a sheriff to make separate charges for different assessments
27 which can be made by the same jury and completed in one day of
28 ten hours.

29 f. For serving an execution, attachment, order for the
30 delivery of personal property, injunction, or any order of
31 court, and returning it, ~~fifteen~~ twenty-five dollars.

32 g. For making and executing a certificate or deed for lands
33 sold on execution, or a bill of sale for personal property
34 sold, ~~thirty~~ forty dollars.

35 h. For the time necessarily employed in making an inventory

1 of personal property attached or levied upon, ~~ten~~ fifteen
2 dollars per hour.

3 *k.* For ~~attending~~ setting a sale of property, fifty dollars.

4 *l.* For conveying one or more persons to a state, county, or
5 private institution by order of court or commission, necessary
6 expenses for the sheriff and the person conveyed and ~~fifteen~~
7 twenty-five dollars per hour for the time necessarily employed
8 in going to and from the institution, the expenses and hourly
9 rate to be charged and accounted for as fees. If the sheriff
10 needs assistance in taking a person to an institution, the
11 assistance shall be furnished at the expense of the county.

12 *n.* For posting a notice or advertisement, ~~five~~ including
13 courtesy notices for writs of possession, ~~ten~~ dollars.

14 Sec. 2. Section 331.655, subsection 1, Code 2015, is amended
15 by adding the following new paragraph:

16 NEW PARAGRAPH. *p.* For serving a writ, twenty-five dollars
17 per hour, unless a lower fee for serving an order of the court
18 is specified in this subsection.

19 EXPLANATION

20 The inclusion of this explanation does not constitute agreement with
21 the explanation's substance by the members of the general assembly.

22 This bill relates to certain fees collected by the county
23 sheriff.

24 The bill raises fees for the serving and returning of
25 notice for each person from \$15 to \$25, and a fee for serving
26 additional persons in the same household is raised from \$10
27 to \$15. The bill raises the fee for warrants served from \$20
28 to \$25. The bill raises the fee for each person served a
29 subpoena from \$20 to \$30. The bill creates a separate fee for
30 summoning a jury (compensation commission) to assess damages
31 in a condemnation proceeding and sets the fee at \$100. Under
32 current law, the sheriff is also allowed to charge a fee of
33 \$100 per day for summoning and attending the jury (compensation
34 commission).

35 The bill raises the fee for serving an execution,

1 attachment, order for delivery of personal property,
2 injunction, or any other order of court from \$15 to \$25. The
3 bill also raises the fee for execution of a certificate or deed
4 for lands sold, or a bill of sale for personal property sold,
5 from \$30 to \$40. The bill raises the fee charged for the time
6 necessary to inventory personal property attached or levied
7 upon from \$10 to \$15 per hour. The bill provides that the
8 current \$50 fee regarding a sale of property is for setting,
9 rather than attending, the sale.

10 The bill raises the hourly fee charged for the conveyance
11 of certain persons by order of a court or commission to a
12 public or private institution from \$15 to \$25 per hour. This
13 hourly fee change also applies to fees charged for delivering
14 defendants under change of venue provisions or the transferring
15 of arrested persons pursuant to the provisions of Code section
16 815.8. The bill also raises the fee for posting a notice or
17 advertisement from \$5 to \$10, and specifies that this fee shall
18 also be collected for courtesy notices for writs of possession.

19 The bill creates a fee of \$25 per hour for serving a writ,
20 unless a lower fee for the sheriff's serving of an order of the
21 court is otherwise specified.